

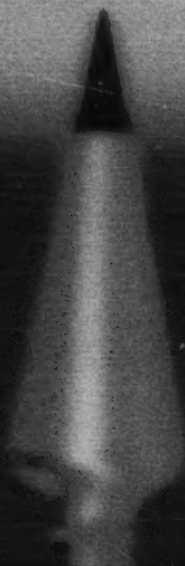


Canadian Forces
Grievance Board

Comité des griefs des
Forces canadiennes



2007 ANNUAL REPORT CANADIAN FORCES GRIEVANCE BOARD



Canada

Canadian Forces Grievance Board 2008

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March 31, 2008

The Honourable Peter MacKay
Minister of National Defence
National Defence Headquarters
MGen Georges R. Pearkes Building
101 Colonel By Drive
Ottawa, Ontario
K1A 0K2

Dear Minister,

Pursuant to section 29.28(1) of the *National Defence Act*, I hereby submit the 2007 annual report on the activities of the Canadian Forces Grievance Board for tabling in Parliament.

Yours truly,

A handwritten signature in black ink, appearing to read "J. Price", with a long horizontal stroke extending from the bottom of the signature.

Jim Price
A/Chair

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MESSAGE FROM THE CHAIR & CEO

DIANE LAURIN



As I look back on the achievements of 2007, the final year of my term as the Chair of the Canadian Forces Grievance Board, I cannot help but be pleased with what we have accomplished.

During the past year, the Board has continued its efforts to improve the military grievance process by enhancing its transparency and improving its efficiency.

To achieve these objectives we implemented new measures detailed later in the report. With the active participation of all the parties involved in the military grievance system, we hope these changes will also

result in more timely decisions at the Final Authority level.

Last year, we also engaged in productive discussions with our Canadian Forces partners regarding the expansion of the Board's mandate, which we hope will be implemented in the near future. It is our firm belief an expanded mandate will bolster confidence in the CF grievance system and will contribute to an overall improvement in the well-being of Canadian Forces members.

We can also be proud the *2007 October Report of the Auditor General of Canada* concluded the Board applied good management and control practices in the spending of public funds.

It is with mixed feelings that I submit this last report.

Certainly I would have liked to have seen the Board's mandate expanded to include the review of all grievances before the end of my term as a Chair. An expanded mandate would mean all grievances would be subject to the same process and all Canadian Forces members who grieve would benefit from an external review, independent of the chain of command, regardless of the nature of the complaint.

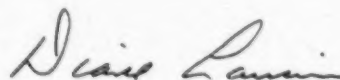
I am optimistic, however, that the Board's mandate will be expanded soon. In the eight years since its creation, the CFGB has really made a difference. It has established strong credibility with grievors and the senior leadership of the Canadian Forces with the quality of its work. In some cases, the Board issued Findings and Recommendations that have produced an impact beyond the scope of the case reviewed, prompting systemic changes benefitting all Canadian Forces members.

I am proud to have been part of establishing the Board and guiding it during its formative years. I leave a Board that is robust and well positioned to assume greater responsibilities.

Finally, I would like to extend a warm thank you to our partners within the Canadian Forces, in particular the team of the Director General Canadian Forces Grievance Authority, as well as to the other stakeholders in complaint resolution.

I would also like to express my gratitude to the entire Board staff with whom I have had the honour of working all these years. Without you, none of this would have been possible.

The Board has established
strong credibility with grievors
and the senior leadership of
the Canadian Forces with
the quality of its work.



THE CANADIAN FORCES GRIEVANCE BOARD

MISSION

TO REVIEW GRIEVANCES IN ORDER TO RENDER FAIR AND IMPARTIAL FINDINGS AND RECOMMENDATIONS IN A TIMELY AND INFORMAL MANNER TO THE CHIEF OF THE DEFENCE STAFF AND THE GRIEVOR.

THE GRIEVANCE CONTEXT

In the year 2000, Canada introduced an extra-military component to the Canadian Forces (CF) grievance system representing a major innovation in the handling of military grievances. That innovation was the creation of the Canadian Forces Grievance Board (CFGB).

As stipulated in the *National Defence Act* (NDA) and article 7.12 of the *Queen's Regulations and Orders for the Canadian Forces* (QR&O), the Board's mandate is to review all military grievances referred to it by the Chief of the Defence Staff (CDS). Following its review, the Board submits its Findings and Recommendations to the CDS, simultaneously forwarding a copy to the grievor. It is the CDS, however, who is the final decision-maker on the grievance.

The Board has quasi-judicial powers and can summon witnesses and compel them to give oral or written evidence. Although hearings would normally be held in private, the Chair can deem a public hearing would benefit the participants and serve the public interest.

The QR&O, 7.12 sets out the types of grievances that can be referred to the Board. Specifically:

- (1) The Chief of the Defence Staff shall refer to the Board any grievance relating to the following matters:
 - (a) administrative action resulting in the forfeiture of, or deductions from, pay and allowances, reversion to a lower rank or release from the Canadian Forces;
 - (b) application or interpretation of Canadian Forces policies relating to expression of personal opinions, political activities and candidature for office, civil employment, conflict of interest and post-employment compliance measures, harassment or racist conduct;
 - (c) pay, allowances and other financial benefits; and
 - (d) entitlement to medical care or dental treatment.
- (2) The Chief of the Defence Staff shall refer every grievance concerning a decision or an act of the Chief of the Defence Staff in respect of a particular officer or non-commissioned member to the Grievance Board for its findings and recommendations.

"If any person in the fleet shall find just cause of complaint of the unwholesomeness of the victual, or upon other just ground, he shall quietly make the same known to his superior, or captain, or commander in chief, as the occasion may deserve, that such present remedy may be had as the matter may require; and the said superior, captain, or commander in chief, shall, as far as he is able, cause the same to be presently remedied..."

Excerpt from *Royal Navy, Articles of War 1757*

Section 29.12 of the NDA stipulates that the CDS may also refer any other grievance to the Board.

As an administrative tribunal, the Board is independent from the Department of National Defence (DND) and the CF, although the CF has overall responsibility for the grievance process. The Board reports directly to Parliament through the Minister of National Defence, who tables the Board's Annual Report.

BOARD STRUCTURE

The Board consists of Governor in Council appointees who, alone or in panel, are responsible for reviewing grievances and issuing Findings and Recommendations to the CDS.

Under the NDA, the Governor in Council may appoint a full-time Chair, at least one full-time Vice-Chair, and one part-time Vice-Chair. In addition, the Governor in Council may appoint any other full or part-time members the Board needs to carry out its functions. Appointments may be for up to four years and may be renewed. The Governor in Council may also remove members for cause.

The role of Board employees is to support the work of the Board members. Grievance officers and legal counsel work particularly closely with Board members to provide analyses and legal opinions on a wide range of issues. The Board's corporate services' responsibilities include strategic planning, performance reporting, human resources, finance, information management and information technology, and communications.

The Board consists of Governor in Council appointees who, alone or in panel, are responsible for reviewing grievances and issuing Findings and Recommendations to the CDS.

THE CF GRIEVANCE SYSTEM: A TWO LEVEL PROCESS

LEVEL I: REVIEW BY THE INITIAL AUTHORITY WITHIN THE CF

A common misconception about the CF grievance process is that a grievor can submit a grievance directly to the Board. In fact, the process begins with the grievor's Commanding Officer (CO).

- **Step 1:** The grievor submits the grievance to his or her CO.
- **Step 2:** If the CO cannot act as the Initial Authority (IA), the grievance is submitted to someone who can, such as the next superior officer vested with the responsibility for dealing with the issue. If the grievor is satisfied with the IA's decision, the grievance process ends there.

- Grievances mandatorily referred to the Board must be decided by the CDS personally.
- The CDS is not bound by any Findings and Recommendations of the Board; however, the CDS must provide reasons, in writing, in any case where the Board's Findings and Recommendations are not accepted.

LEVEL II: REVIEW BY THE CDS

Grievors who are dissatisfied with the IA's decision may ask to have their grievance reviewed at the Final Authority (FA) level, that being the CDS or his delegate, whose decision is final.

Grievors initiate this second level of review as follows:

- **Step 1:** The grievance is submitted at the FA Level.
- **Step 2:** If the grievance falls within the Board's mandate, the CF forwards the grievor's file, on behalf of the CDS, to the Board.

THE YEAR IN REVIEW

SIGNIFICANT EVENTS

THE EVOLUTION OF THE GRIEVANCE PROCESS

In 2007, the Canadian Forces Grievance Board made significant progress in its efforts to contribute to the transparency and the efficiency of the grievance system for CF members.

As reported in the 2006 Annual Report, following a number of productive discussions with the Director General Canadian Forces Grievance Authority (DGCFGA) within DND and senior staff from National Defence Headquarters, the Board agreed to participate in a pilot project to test a new process with the objective of reducing the elapsed time and minimizing the duplication of analysis.

Under the new process, the Board added two steps: once the case analysis is completed, the Board sends the analysis report to the CF for comments; these comments along with the analysis are then disclosed to the grievor, who is given an opportunity to make representations for the Board's consideration prior to the issuance of its Findings and Recommendations. As a result of the disclosure of the analysis report and CF comments, the grievor benefits from a more transparent process and both the grievor and the CF gain a better understanding of the issues surrounding the grievance. So far, this process has facilitated more informal resolutions by the CF and withdrawals of grievances than was the case with the previous system.

While only a small number of files were targeted for the pilot process, the results were encouraging and accordingly, in June 2007, the Board decided to implement the new process for all grievances referred for review.

The Board and the DGCFGA have agreed to review the results of this new process using a larger sampling of files in the spring of 2008. The Board continues to monitor the new process in order to evaluate its efficiency.

EXPANDED MANDATE – ENSURING FAIRNESS FOR ALL

Since the creation of the Board, approximately 40 percent of grievances at the Final Authority level were mandatorily referred by the CDS to the CFGB for review, while the remaining files were reviewed internally by the DGCFGA. In 2007, the stakeholders committee (chaired by the Vice Chief of the Defence Staff (VCDS) and the Chairperson of the Board) held discussions regarding the possibility of expanding the Board's mandate to include the review of all grievances.

Having the Board review every file would ensure all grievances are subject to the same process.

As a result of those discussions in 2007, the CDS referred to the CFGB a number of discretionary files to assess its capacity to review files of a type not ordinarily referred to the Board (for example, grievances involving personal evaluation reports). A joint report to the VCDS on the benefits and resource implications in referring all grievances to the Board is currently being prepared by the CFGB and the DGCFGA.

Having the Board review every file would ensure that all grievances are subject to the same process and that all CF members who wish to grieve are provided with equal access to an external review.

The Board firmly believes that an expansion of its mandate would bolster confidence in the CF grievance system.

AUDIT RESULTS REVEAL SOUND PRACTICES AT THE BOARD

The Board works to ensure sound internal management practices and rigorous planning of human and financial resources. Two external audits in 2007 credited the Board with good performance in a number of measures related to these important areas.

REPORT FROM THE OFFICE OF THE AUDITOR GENERAL

In 2007, the Office of the Auditor General (OAG) reported that the CFGB applied good management and control practices in the spending of public funds.

"The Board is managing well in all areas covered by the audit."

October 2007 Report of the Auditor General

The Auditor General conducted performance audits on three small entities, one of which was the Board, and reported on the results in Chapter 2 of the *October 2007 Report of the Auditor General*. The report stated that "the Board is managing well in all six areas covered by the audit," which included acquisition cards, contracting, executive travel, executive compensation, hospitality and selected areas of human resources management. The audit covered the period from April 1, 2004, to September 30, 2006. Overall, the OAG was satisfied with the findings and, as such, made no recommendations.

AUDIT BY THE PUBLIC SERVICE COMMISSION

In October 2007, the Public Service Commission (PSC) reported overall satisfaction with the Board's staffing activities following an audit covering the period from January 1, 2006, to December 31, 2006.

The PSC audit found that "the Board had an appropriate framework, systems and practices in place to manage its staffing activities." It also concluded that all advertised appointment processes complied with the Public Service Employment Act (PSEA), other governing authorities and policies and the instrument of delegation signed with the PSC.

The PSC did, however, express concerns about five non-advertised appointment processes which it reviewed, saying they did not comply with the policy requirement for a written rationale. The Chairperson of the Board is committed to addressing the issues raised in the audit.

COMMUNICATIONS INITIATIVES

Raising awareness and having direct contact with the men and women of the CF and other stakeholders are integral to fulfilling the Board's mandate. Based on this understanding, outreach activities continued to be an important part of the Board's communications initiatives in 2007.

VISITS AND PRESENTATIONS

Throughout the year, Board members and senior management visited military bases and made presentations to key stakeholder groups. These meetings and presentations further highlighted the Board's role within the CF grievance process, its decisions and its accomplishments — helping to strengthen confidence in the work of the Board and in the CF administrative justice system as a whole.

Base visits included Canadian Forces Base (CFB) Borden, Ontario, CFB St-Jean, Quebec, CFB Cold Lake, Alberta and CFB Edmonton, Alberta. The Vice-Chair and Colonel Claude Wauthier, DGCFGA, also gave a number of joint presentations during the year, in particular to students in the Chief Warrant Officer Qualifying course at CFB St-Jean and to students in the logistics officers' course at CFB Borden.

Another highlight in 2007, was a trip by the Chair and the Vice-Chair to London, England for a meeting with officials to discuss the United Kingdom's grievance process.

Outreach activities are an important part of the Board's two-way communications strategy.

WEB SITE

Throughout the year, the Board regularly updated its Web site (www.cfgb-cgfc.gc.ca) adding new information and case summaries. The Board's Web site, supported by various electronic tools, is key to its external two-way communications strategy designed to share information with CF members and stakeholders, while gauging their perceptions and expectations.

eBULLETIN

In 2007, the Board continued to produce its *eBulletin* electronic newsletter available through subscription. The newsletter highlights current and relevant cases reviewed by the Board. It describes the Board's Findings and Recommendations and the CDS' final decision for each case. It also provides updates on key grievance statistics and Board activities.

The *eBulletin* is a useful vehicle for informing CF members on the impact of the Board's work and on any systemic changes arising from grievance outcomes.

WWW.CFGB-CGFC.GC.CA

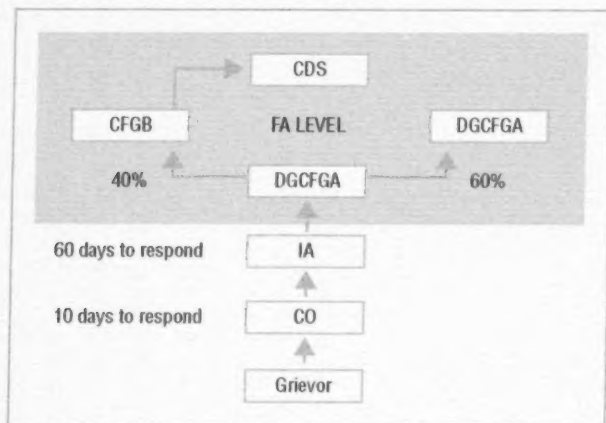
OPERATIONAL STATISTICS

INCREASING THE EFFICIENCY OF THE GRIEVANCE REVIEW PROCESS

The application of the *Queen's Regulations and Orders* (QR&O), article 7.12 results in approximately 40 percent of the grievances at the FA level being reviewed by the Board, while the DGCFGA is responsible for the remainder.

As shown in Figure 1, the DGCFGA provides support to the CDS as the FA and has also been delegated the authority to act as decision-maker in most of the grievances not mandatorily referred to the CFGB pursuant to Section 29 of the *National Defence Act* (NDA) and article 7.12 of the QR&O.

Figure 1 – The CF Grievance System



As previously mentioned, in the fall of 2006, the CFGB and DGCFGA mutually agreed to trial a new process with a view to enhancing the overall efficiency of the CF grievance system. In June 2007, the trial process was expanded to include all grievances received by the CFGB and officially became the new process. While the new process adds two steps to the grievance system and may increase the elapsed time the grievance stays at the Board, the expectation is it may help reduce the overall completion time of grievances at the FA level, primarily by minimizing the duplication of analysis. In some cases, the new process also yielded an additional benefit by facilitating withdrawals and informal resolutions much earlier in the process than was previously the case.

A TIMELY REVIEW

Previously, the Board had established an average six-month timeline to complete a grievance. This standard does not include the additional time needed for the completion of the two steps introduced under the new process to provide the grievor and the CF with the opportunity to review the Board's analysis report and, if they wish, respond to it. In 2007, the Board completed 52 percent of cases received in 2006 within the six-month timeline the Board has established as a standard.

As part of monitoring the new process, the Board will also consider adjusting its six-month standard to take into consideration the time necessary for completing the new process' two additional steps.

Table 1 shows the length of time the Board took, on average, to complete cases, categorized by the year in which they were received.

Table 1

Year Referred to CFGB	# Cases Received	# Cases Completed	Less than 6 months	6 months to 1 year	More than 1 year
2004	102	99	6%	28%	66%
2005	80	78	10%	23%	67%
2006	63	60	52%	27%	21%

STATUS OF THE CASE INVENTORY

The goal of the Board is to have a steady state of operations with no files in its inventory older than one year. By the end of 2007, the Board was close to this objective, completing most of the cases received in 2006. From a total of 117 cases remaining active as of December 31, 2007, only four were beyond the one year mark, which represents an unprecedented closure rate. It is important to note several factors outside the Board's control can affect the time for review, such as the complexity of a grievance, delays in obtaining relevant information and, in some instances, the number of Board members available to review grievances.

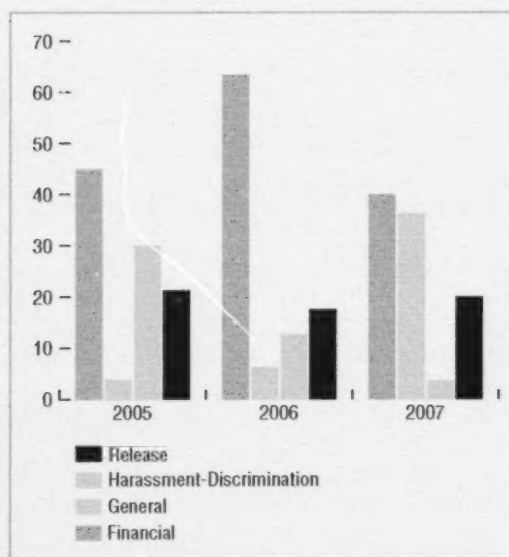
From a total of 117 cases remaining active as of December 31, 2007, only four were beyond the one year mark, which represents an unprecedented closure rate.

CATEGORIES OF GRIEVANCES RECEIVED

Figure 2 demonstrates the percentage breakdown for each category of grievances received at the Board (financial, general, harassment/discrimination and release). Grievances related to financial issues continued to predominate, while cases relating to releases tripled, from 11 cases in 2006 to 33 in 2007. Grievances related to harassment/discrimination cases continued to decline, from eight in 2006 to six in 2007.

As part of the trial process launched in 2007, the CF began to refer a larger number of discretionary files to the Board to test its capacity to review files on categories of cases not ordinarily referred. Those files were classified under the general category, thereby resulting in a significant percentage increase under that category and an associated decrease in the others.

Figure 2 – Categories of grievances received since 2005



WORKLOAD

The Board completed 27 percent of the cases received in 2007, although 45 percent of those cases were referred to the Board in the last quarter. Also in 2007, the Board rendered Findings and Recommendations in 107 cases. Two cases reviewed by the Board in 2007 were resolved by the CF through informal resolution after the Board had submitted its Findings and Recommendations. Another nine cases were withdrawn either because grievors accepted the analysis of the Board or because an informal resolution was reached prior to the issuance of the Findings and Recommendations.

The Board hopes to see an increase in informal resolutions and withdrawals before files are forwarded to the CDS for a decision. The increase of such resolutions and/or withdrawals early in the process appears to be one of the benefits of the new, more transparent process.

Table 2 outlines the distribution by outcomes of the 107 cases for which the Board rendered Findings and Recommendations in 2007.

Table 2

Grievance Categories	Upheld	Partially Upheld	Withdrawn due to CF Informal Resolution	Withdrawn	Denied	No Standing*	Total
Financial	10	5	1	3	26		45
General	4	2	1	1	10		18
Harassment-Discrimination	3	5		2	12		22
Release	1	1		3	16	1	22
Total	18	13	2	9	54	1	107

* No standing – The Party does not have the right to make a legal claim or seek judicial enforcement of a duty or right (e.g. a non-member of the CF).

CDS DECISIONS

In 2007, the Board received the CDS' decisions in response to 84 grievances. The CDS fully or partially endorsed 93 percent of the Board's Findings and Recommendations in these cases.

Table 3

CFGB's Findings and Recommendations (F&R)	CDS Decisions Received in 2007			Total
	CDS fully endorses CFGB's F&R	CDS partially endorses CFGB's F&R	CDS does not endorse CFGB's F&R	
To uphold the grievance	4	6	3	13
To partially uphold the grievance	2	3	3	8
To deny the grievance	59	3		62
Grievances withdrawn*	6			6
Withdrawn due to CF Informal Resolution*	1			1
Total	72	12	6	90

* The CFGB issues Findings and Recommendations for all referred grievances even in cases of withdrawals and informal resolutions.

CONCLUSION

2007 was a significant year for the Board. The implementation of the new measures to review grievances has created a more transparent process with the potential to reduce the overall completion time at the FA level, an important priority for the Board. The experience of the last year demonstrated that efficiencies can be achieved, while maintaining and even enhancing the quality of analysis and Findings and Recommendations.

Throughout the year, the Board continued its outreach activities aimed at CF members on military bases and in other venues and made a number of joint and very productive presentations with the DGCFA.

Also in 2007, the Board continued to strengthen its internal management practices. The results of two audits conducted by the Office of the Auditor General and the Public Service Commission confirmed the Board's effective management of financial and human resources in a number of key areas.

The Board is committed to further streamlining its internal processes and continuing to work with the CF to improve the overall grievance system. It will build on the encouraging improvements made in 2007 by pursuing the expansion of its mandate to ensure all CF members who file grievances have the benefit of an outside, independent review.

CASE SUMMARIES

PAYMENT OF IN VITRO FERTILIZATION FOR MALE CF MEMBERS

Board Findings and Recommendations

The grievor requested reimbursement of \$6,000 he had paid for in vitro fertilization (IVF). The grievor had become infertile as a result of chemotherapy treatments for Hodgkin's disease.

In November 1997, the grievor received confirmation that he would be reimbursed for the IVF treatments because they were covered by the Canadian Forces Spectrum of Care. The grievor's spouse then became pregnant with their first child as a result of artificial insemination.

In 2001, the grievor and his spouse turned to IVF again. In the fall of 2001, CF medical personnel confirmed to the grievor that he would be reimbursed. Treatment therefore began in December 2001. In early January 2002, the grievor confirmed with medical personnel a second time that the IVF treatments were covered.

In January 2002, the Surgeon of the Support Unit's Medical Clinic personally notified the grievor that his IVF treatments were not covered. In March 2002, the grievor had to pay \$6,000 for the first treatment. He then claimed reimbursement of that amount from the CF, since he had been told that IVF expenses were covered. He was denied the reimbursement.

The grievor submitted his grievance in June 2002, seeking reimbursement of the \$6,000 as well as authorization to go ahead with two more IVF treatments that he argued should be covered by the CF.

The IA denied the grievance on the ground that the grievor had been notified before treatments began that he would not be reimbursed for them. The grievance was then submitted to the CDS.

Referring to recent jurisprudence in similar matters, including the decision of the Canadian Human Rights Tribunal in *Buffett and Canadian Human Rights Commission v. Canadian Forces*, 2006 CHRT 39, the Board found that the IVF funding policy was discriminatory under section 7 of the *Canadian Human Rights Act* (CHRA) and could not be justified under section 15(1)(a) and (2) of that Act.

The Board recommended that the CDS allow the grievance and refer the grievor's file to the Director, Human Rights and Diversity for reimbursement for the three treatments.

If this recommendation were not to be accepted, however, the Board recommended the grievance be allowed in part and that his file be referred to the competent authority for ex gratia payment of the amount of the first treatment.

The Board recommended that the IVF funding policy be reviewed and improved in light of the recent decision of the Canadian Human Rights Tribunal in *Buffett*.

CDS Decision

The CDS partially agreed with the Board's Findings and Recommendations. He granted the grievance in part, by approving the reimbursement of the costs that the grievor incurred in relation to his first IVF treatment, as the grievor began those treatments in good faith based on the information he received from health specialists, notwithstanding an administrative error. After the first treatment began, the grievor was notified that the treatments were not covered in his case. As a result, the CDS did not approve the reimbursement of the second or third treatments. The CDS disagreed with the Board's finding that the IVF funding policy was discriminatory under the CHRA, as IVF treatments are never carried out on males. The CDS confirmed that the IVF funding policy was undergoing review, thus approving the Board's recommendation in this regard.

Note: The CDS rendered his decision a few days after the Federal Court of Canada partially allowed an application for judicial review of the *Buffet* case cited above. The Court agreed that the CF IVF funding policy was discriminatory but arrived at this conclusion for different reasons than the Canadian Human Rights Tribunal. This Decision ((2007) F.C.C. 1061) is presently under appeal by the CF.

POST LIVING DIFFERENTIAL ENTITLEMENTS FOLLOWING AN EARLY MOVE TO INTENDED PLACE OF RESIDENCE

Board Findings and Recommendations

In May 2000, the grievor was authorized to move to his Intended Place of Residence (IPR) outside Halifax (his place of duty) prior to release. As of October 2001, the grievor was the beneficiary of a new program called Post Living Differential (PLD), which was initiated to compensate CF members posted to high cost living areas. When the program was first introduced, members moving to an IPR outside the geographical boundaries of their place of duty lost their entitlement to PLD, however, members moving to an IPR within the geographical boundaries of their duty post, as was the case here, retained the benefit.

In 2003, the CF addressed this perceived inequity by amending the regulation to disallow PLD for all members moving to an IPR prior to release, regardless of location. The Director Compensation and Benefits Administration announced that, as of 1 September 2003, entitlement to PLD for such members would cease. All CF units were advised accordingly. Although the grievor's benefit should have ceased, it continued to be paid until January 2006, at which time the grievor was informed that he would have to repay \$2,667.92. The grievor contested the CF's denial of the benefit and intended recovery action.

The IA, the Director General Compensation and Benefits, denied the grievance on the basis that there was no entitlement to PLD after September 2003. According to the IA, since the grievor received PLD monies in error, the Crown had to be reimbursed.

The Board noted it was regrettable that the grievor was not aware or not made aware of the change in PLD policy. The Board noted, however, that there was no flexibility in the application of the policy, since it was governed by Treasury Board of Canada Secretariat rules. The Board found that the regulation was properly and equitably applied to the grievor and he had no entitlement to PLD as of September 2003.

As for the overpayment, the Board found that the CF was legally obligated to recover PLD monies erroneously paid to the grievor subsequent to September 2003, as they were a valid debt owed to the Crown.

The Board recommended that the CDS deny the grievance.

The Board also recommended that a reasonable period of time be allowed to effect recovery so as to minimize potential disruption to family finances. Notwithstanding its finding, the Board also indicated that it was pleased to see that the CDS had directed a review of the PLD policy. The Board noted that the review would hopefully address the IPR issue, given that it appeared to be a dissatisfier of some significance.

CDS Decision

The CDS agreed with the Board's Findings and Recommendations to deny the grievance. The regulations were properly and equitably applied to the grievor and he had no entitlement to PLD as of September 1, 2003. The CDS indicated that the PLD was never meant to apply to personnel who had elected an early move to IPR, as IPR is a benefit associated with release. The CDS also agreed with the Board's recommendation that the grievor be provided with a reasonable period of time to repay the amount in question in order to minimize any potential disruption to the grievor's family finances.

Note: Since the issuance of the CDS decision in this matter, the PLD program has been reviewed by TBS and the CF and a new policy has been put in place. According to the new program, found under CBI 205.45, members of the CF who elect an early IPR within the boundaries of their place of duty will retain their entitlement to PLD.

TAX DEDUCTION FOR RESERVISTS

Board Findings and Recommendations

The grievor contended that the manner in which income tax had been deducted from his Reserve pay since January 2003 had caused significant inconvenience. The grievor had received a demand from the Canada Revenue Agency (CRA) asking him to make compulsory additional quarterly tax installment payments. The grievor contended that it was impossible for him to calculate a required fixed dollar amount for extra tax deductions because he could not predict his monthly pay which varied greatly. The grievor also contended that the situation was exacerbated by the fact that the Reserve pay, including his substantial civilian income, pushed his marginal tax rate for the Reserve pay into the 50 percent range.

As redress, the grievor requested that he be allowed to resume percentage source deductions from his Reserve pay for income tax.

The Board found that there was no legal impediment to deducting tax in an amount greater than the minimum required by the *Income Tax Act* (ITA).

The Board found that the CRA publications contemplate the possibility of alternative formulas and that, with the CRA's written permission, the CF could deduct additional tax from the grievor by a percentage that he specified. The Board found that, in absence of such permission, the CF could not deduct a specific percentage of the grievor's gross salary for income tax and that the grievor had, therefore, been treated in accordance with the current approved CRA formula.

The Board found that permitting reservists to have tax deducted from their pay in a requested percentage over and above the necessary minimum would provide greater advantage than the current system, and would remove a major element of dissatisfaction for a significant number of reservists. Doing so could possibly contribute to the retention of these reservists.

The Board also found that the Director General Financial Operations, as a civilian, is precluded from adjudicating CF grievances as an IA.

The Board recommended that the CDS partially uphold the grievance.

The Board recommended that the CDS direct that authority be sought from the CRA to permit the deduction of income tax in a stated percentage over and above the required minimum for those reservists who request it, and that the Reserve pay system be modified accordingly.

The Board recommended that, if the CRA approval cannot be obtained, a recommendation be made for the Minister of National Defence to approach the Minister of National Revenue to seek an amendment to the ITA or Regulations to permit the deduction of income tax by percentage for those reservists who request tax deductions in addition to the minimum CRA requirement.

The Board recommended that the CDS advise the Assistant Deputy Minister (Finance and Corporate Services) (ADM (Fin CS)) that a suitable CF officer be selected to act as IA for all future CF grievances directed to the ADM (Fin CS) group.

CDS Decision

The CDS partially endorsed the Board's Findings and Recommendations. Contrary to the Board, the CDS interpreted section 153 of the ITA with its prescribed forms, as requiring that the amount of increase to be withheld for income tax purposes be in dollar value and not as a percentage. The CDS was of the view that individual income tax payments were a private matter between the taxpayer and CRA. The CDS was satisfied that the grievor did not suffer any injustice and that there was an option for him to seek written permission from the CRA to obtain a preferred income tax deduction that would provide him with a better financial advantage with respect to his income tax returns. Finally, the CDS found that any policy change to seek a different income tax deduction would have to be extended to other CF members with similar claims.

The CDS agreed with the Board's Findings and Recommendations concerning the Director General Financial Operations' error in purporting to have jurisdiction as an IA. The CDS will inform him that QR&O 7.06 does not authorize him to act as an IA.

SEPARATION EXPENSES – DEFINITION OF DEPENDANT

Board Findings and Recommendations

While the grievor was posted to Valcartier, her actual position was situated in Montreal where she resided with her children. The grievor and her husband were divorced but they retained shared custody of their children while in Montreal. The grievor was then posted to Ottawa and was denied an Imposed Restriction (IR) to keep her residence in Montreal since, given her shared custody situation, it was determined that her children did not meet the definition of "dependant" pursuant to the Compensation and Benefits Instructions for the CF (CBI). CBI 209.80 (3)b) indicates that a dependant of a member is a person normally resident with the member and for whom the member can claim a personal exemption under the *Income Tax Act* (ITA).

The IA denied the grievance on the ground that the grievor's children could not have been living with her, since they wrongly assumed that she lived in Valcartier while the children resided in Montreal with their father.

Acknowledging that the grievor had shared custody of her children, the Board concluded that the grievor was not entitled to an IR because her children did not "normally" reside with her as required by the CBI. The Board was of the view that "normally" meant more than 50 percent of the time. The Board expressed the view, however, that the policies were enforced without consideration for the grievor's specific family situation, noting that she had the support of her chain of command.

The Board concluded that the grievor's child custody situation was consistent with the CF's initiative regarding the quality of life of CF members and their families, and therefore, the grievor should be granted an IR retroactive to the date of her transfer to Ottawa, including associated benefits.

The Board recommended that the CDS uphold the grievance.

The Board further recommended that the CDS change the definition of "normally resident" to reflect the evolution of shared custody agreements and align it with the definition of shared custody established by the Department of Justice in the Federal Child Support Guidelines.

CDS Decision

The CDS partially supported the Board's Findings and Recommendations. The CDS was also of the opinion that the IR should have been approved for the grievor when she was posted, but his reasons differed from those of the Board. The CDS reiterated that CANFORGEN 080/99 (Imposed Restriction Policy) governs the conditions for authorizing an IR. However, the benefits that derive from this policy (Separation Expenses (SE)) are governed by the CBI.

The CDS agreed that the evidence on file showed that the grievor had shared custody of her children for equal periods of time (50 percent).

The CDS pointed out that the task of determining, whether or not, a dependant is living with a CF member could not be reduced to a mathematical formula. He determined that the principle of "shared custody" calls for an evaluation of the facts in each individual case, such as an assessment of the family circumstances associated with the member's principal residence, including information relating to meals, a personal bedroom, personal items, entertainment and family relations at the location. Information on, whether or not, the child uses the principal residence as a point of departure for school and has friends in the neighborhood was determined to also be important. The underlying rationale is that the home where the children normally live can be determined by examining the living conditions of those children.

The CDS agreed in principle with the Board's recommendation to grant the grievor IR retroactive to her posting date and to authorize her to move her furniture and effects to Montreal. Given the fact that her residence in Montreal was sold in April 2005, however, and that her furniture and effects have been moved to Ottawa, her children, who have remained in Montreal, no longer "normally live" with her as of that date, making her no longer eligible for SE.

In order to resolve this situation, the CDS approved IR and associated benefits from July 2004 to the date on which the residence was sold. Since the CF placed the grievor in a situation that left her with little time to coordinate a move, the CDS was prepared to authorize a move back to Montreal based on the requirements of the service, as soon as possible, the expenses arising from this move being reimbursed in accordance with existing policy.

DRUG USE – POSSIBILITY TO BE RE-ENROLLED

Board Findings and Recommendations

The grievor contested his compulsory release for his illegal use of drugs while he was serving on a mission to Bosnia-Herzegovina. The grievor claimed he met the conditions for retention and that military authorities violated procedures regarding his medical treatment. As redress, he requested re-enrolment in the CF with retroactive pay and benefits.

Upon reviewing his case, the Director Military Careers Administration and Resource Management (DMCARM) was of the opinion that the grievor violated the three conditions for his retention: 1) he had been involved in a drug-related incident 2) he had compromised operational readiness and safety and 3) he was likely to repeat the offence.

Despite the favourable recommendations submitted by the grievor's commander, the Director General Military Careers (DGMCC), acting as the IA in the matter, denied the grievance. The basis for his decision was that the grievor had violated several of the conditions for his retention, one of which was of major importance; the grievor's involvement in illegal drugs while he was serving in a theatre of operations.

Based on the findings of the Military Police investigation and the Administrative Review, the Board found that the incident in 1996 could not be considered a first-time involvement with illegal drugs.

The Board found that the grievor compromised the operational readiness and safety of his unit and, based on his admissions of illegal drug use, found that the grievor could re-offend, if the opportunity presented itself, or if conditions were favourable.

In the matter of the medical assessment, the Board found that the CF committed a procedural error in neglecting to conduct a medical assessment following the grievor's involvement in an incident related to illegal drugs. The Board, however, also found that, under the circumstances, this omission did not jeopardize the grievor's health or cause any prejudice. In conclusion, the Board found that the grievor did not meet all of the conditions for retention in the CF. Consequently, he was not treated unfairly and his compulsory release was appropriate.

The Board recommended that the CDS deny the grievance.

CDS Decision

The CDS supported the Findings and Recommendations of the Board to deny the grievance. The CDS added that, notwithstanding that a medical evaluation could have recommended treatment, it would not have affected the decision to release the grievor since such a decision was based on the five conditions required by CFAO 19-21 (now DAOD 5019-3) for the retention of a member in the CF, and that the grievor did transgress two of these five conditions. It was deemed likely that the grievor would re-offend and that his actions compromised the operational readiness security and the safety of his unit.

Despite this decision, the CDS considered the strong recommendation of the chain of command that the grievor continues his career in the CF, and the fact that the grievor admitted, sincerely and voluntarily, having taken drugs in the past. Consequently, having also considered the new policies in effect in 2006 regarding the re-enrolment of candidates with previous service and the instructions concerning drug consumption prior to enrolment, the CDS was prepared to authorize the grievor's re-enrolment if the latter met all the conditions currently applicable to re-enrolment. In addition, considering the risk of relapse, the grievor was required to meet the following additional conditions at the time of his re-enrolment:

- the grievor would be administered a screening test for use of illicit drugs as part of the re-enrolment procedures, the results of which must be negative;
- the Commanding Officer would submit the grievor to the program for Drug Control (DAOD 5019-3);
- the Counselling and Probation for illicit use of drugs awarded during his prior service would continue for a period of one year following re-enrolment;
- the grievor would have to submit to at least six drug screening tests within the one year period; and,
- the refusal of taking the drug screening test or the failure of one test would lead to administrative and disciplinary measures, or both, as per DAOD 5019-3.

The grievor was asked to present himself at a CF Recruiting Centre to initiate re-enrolment procedures within 90 days following receipt of the CDS decision and present the decision as supporting documentation for his re-enrolment.

CLASS C RESERVE SERVICE REDEFINED

Board Findings and Recommendations

The grievor was employed on Class C Reserve Service in a non-operational position, commencing in June 2000. In August 2001, the CF announced a new Reserve Force employment policy, issuing CANFORGEN 095/01, stating that subject to the regulatory amendment process, the then current classes of Reserve Service would cease to exist as of April 1, 2002. The policy also stated that reservists who were currently serving on Class C Reserve Service, would be grandfathered to the end of their approved periods of service. The CF's transitional policy for reservists, CANFORGEN 023/02 (issued on March 13, 2002) deferred the application of the CF Reserve employment policy until April 1, 2003, stating that "existing" agreements for reservists currently serving on Class C Reserve Service in non-operational positions would be honoured to their end date. The policy also stated that as of April 1, 2003, all non-operational full-time Reserve Force Service would be authorized as Class B Reserve Service. The grievor remained on Class C Reserve Service until March 31, 2003, and was authorized Class B Reserve Service, as of April 1, 2003.

The grievor accepted the Class B Reserve Service offer, but contested the decision to terminate his Class C Reserve Service. He maintained that the change in service was not justified as his duties on Class B Reserve Service were exactly the same as when he was on Class C Reserve Service. As remedy, the grievor requested that his Class C Reserve Service be grandfathered, that it continues as Class C Reserve Service for as long as he is serving on a Regular Force establishment, and that he be reimbursed lost income.

The IA, the Acting Director General Military Human Resources Policy and Planning (A/DGMHRPP), denied the grievance on the basis that the grievor was serving in a non-operational position, which was no longer approved, nor authorized for Class C Reserve Service after April 1, 2003. The IA further explained that the new policy was premised on the limited liability to serve for those on full time non-operational Reserve Service as opposed to those reservists on operational duties who are seen to be equivalent to Regular Force and hence entitled to the same pay.

The Board found that the CDS can use his discretion to re-define the circumstances under which Class C Reserve Service can be authorized, so long as the terms and conditions of the QR&O are respected, and that this discretion is applied fairly.

As for the grievor's entitlement to Class C Reserve Service, the Board noted that the grievor did not have the approval of the CDS to be on Class C Reserve Service after April 1, 2003, nor was there any evidence to indicate that the circumstances surrounding the grievor's situation were "extraordinary" to warrant Class C Reserve Service consideration. The Board concluded that the grievor was treated equitably and his service was correctly authorized as Class B Reserve Service after April 1, 2003. The Board found that the grievor was not entitled to Class C Reserve Service and therefore not entitled to reimbursement for lost income. The Board recommended the CDS deny the grievance.

CDS Decision

The CDS agreed with the Board's Finding and Recommendations to deny the grievance. He was satisfied that the grievor was properly employed under Class B Reserve Service terms of employment (TOE) in accordance with CF policy.

The CDS stated that the policy and regulations contested by the grievor did not deal with pay and benefits, but rather with what type of service should be viewed as Class B or Class C Reserve Service. The CDS also stated that while the new policy appeared to be a decision by the CF to reduce the reservists' pay, what had actually happened is that the CF had changed the classification of Reserve Service. The CDS compared this situation to the public service. He indicated that employees of the public service working in a specific position could see the classification of their position changed for a higher classification or, at times, a lower classification. The difference between public service employees and members of the CF is that public service employees have a collective agreement under which their right to pay is protected.

While under no contractual obligation to its members and in order to treat its personnel fairly and in accordance with the applicable policies and regulations, the CF announced the changes to the classification policy a year before implementation. Existing Class C Reserve Service TOE were honoured until their end date and could also be extended until March 31, 2003. Accordingly, the CDS considered that the CF made the transitional process as fair as possible given the impending financial impact.

With regard to the Class B and Class C Reserve Service, the CDS referred to QR&O 9.08 (Class C Reserve Service), stating that a reservist is on Class C Reserve Service, if he or she serves with the CDS's approval, or on the CDS's behalf in a Regular Force establishment position, or is supernumerary to the Regular Force establishment. Under the new policy, the CDS would only approve the class of service when the reservist is expected to perform the broad range of duties expected of a Regular Force member and who is also subject to the same liabilities. If the service is not operational, and the CDS has not specifically authorized a member to serve in a position supernumerary to a Regular Force establishment position, then the service will be Class B Reserve Service. The fact a position was previously Class C Reserve Service does not negate the discretion to later change the classification of the position. The CDS was satisfied that the grievor's circumstances did not warrant an exception for his full time employment to be considered as Class C Reserve Service.

PREREQUISITE FOR RESERVISTS' ANNUAL LEAVE

Board Findings and Recommendations

The grievor claimed that the policy regarding entitlement to 30 days of annual leave was unfair. The grievor considered it to be unreasonable that Reserve Service should be applied towards the five-year prerequisite for 25 days of annual leave, but not towards the 28-year prerequisite for 30 days of annual leave. The grievor claimed that the CAN-FORGEN, which provides for the inclusion of Reserve Service in calculating entitlement to 25 days of annual leave, also implied extending the credit to the 30 days of annual leave.

The Board found there was to be no current entitlement to 30 days of annual leave based on a combination of Regular and Reserve Force Service.

The Board found that while the grievor had been treated differently than her fellow Regular Force members with 28 years of service in the Regular Force, this difference in treatment did not constitute discrimination.

The Board found that the grievor had been treated in accordance with the regulations and that her Reserve Service could not be applied towards the 28-year qualifying time for 30 days of annual leave.

The Board found that all members of the Regular Force who have 28 years service deserved the same recognition for their lengthy service, regardless, whether it was combined, or not.

The Board found that the reasons provided for not granting credit for Reserve Service towards qualifying time for 30 days of annual leave, while granting such credit on component transfer, were insufficient and not persuasive.

The Board found the credit for Reserve Service towards qualifying time for 30 days of leave of Regular Force members applied only to the Regular Force leave policy. Accordingly, a change to the regulations could be addressed separately from the harmonization of Regular and Reserve Force leave.

The Board recommended that the grievance be denied.

The Board recommended that the Regular Force leave policy, with respect to the 30 days of annual leave, be reviewed with a view to including the Reserve Service credited on component transfer.

CDS Decision

The CDS agreed with the Board's Findings and Recommendations to deny the grievance. The CDS did not agree with the grievor's interpretation of the leave policy as amended by CANFORGEN 046/04 (Modification to Reserve Force Leave Policy); QR&O16.14 (Annual Leave) distinguishing between service in the Reserve Force and the Regular Force. The CDS inferred this distinction from the language in paragraph 3 of the QR&O, which provides for up to 24 days of annual leave "if the member has completed at least five years of service in the Canadian Forces ... but less than 28 years of service in the Regular Force."

The CDS further explained that on March 25, 2004, CANFORGEN 046/04 announced changes to the administration of annual leave. The policy outlined that, effective April 1, 2004, prior time spent in the Reserve Force would be taken in consideration for the calculation of annual leave when transferring to the Regular Force. This amendment did not consider changes to the requirement of having 28 years of service in the Regular Force in order to be granted 30 days of annual leave.

The CDS agreed with the Board's recommendation that the leave policy should be reviewed. Moreover, the Director General Compensation and Benefits has informed the CDS that the harmonization of annual leave entitlements for the Regular Force and Reserve Force will be included on the list of policy development options planned for 2008.

LIMITATION PERIOD FOR RECOVERY

Board Findings and Recommendations

The grievor submitted a grievance objecting to the recovery action initiated by the CF related to an overpayment of pay. Due to an administrative error, the grievor, who changed military occupation by means of a voluntary occupation transfer (VOT), continued to be paid at his previous rank of Master Corporal for a period of eight years and four months. The grievor claimed that he had been informed that he would relinquish his appointment of Master Corporal, but that his rate of pay would not change because of vested rights. In the event that his claim to vested rights could not be supported, he requested that his debt be considered for write-off. Alternatively, should his request for write-off not be possible, he requested that he be given at least the same period of time to reimburse the overpayment.

The Director General Finance, the IA in the matter, denied redress. The IA explained that vested rights to pay applied to compulsory occupational transfers and situations involving the downgrading of a trade to a lower trade group, but not to VOT. In the matter of write-off or remission of the debt, the IA acknowledged that errors do happen from time to time, but that the Department does not have the authority to write-off employment related debts, such as overpayments of salaries. Under the circumstances, however, the IA supported the grievor's alternate position that an extended recovery time be granted and indicated that the grievor's chain of command had been notified to extend the period.

The Board found that the grievor did not have vested rights to continue receiving a Master Corporal rate of pay following his VOT and, as such, had been overpaid.

The Board found that neither the write-off nor the "forgiveness provisions," as described in the *Financial Administration Act*, could be applied to the grievor's situation. The Board also found that the grievor's circumstances did not meet the "very exceptional circumstances" criteria that would support a submission for remission.

The Board further found that recovery of the overpayment was appropriate and, as the grievor was granted an extended period of time to reimburse the debt, the specific request had been adequately addressed.

The Board recommended that the grievor's request for write-off be denied.

CDS decision:

The CDS agreed in part with the Board's Findings and Recommendations.

The general principle for pay is that the rate of pay is established for a member's rank, incentive pay category, pay level and trade group. The grievor acknowledged his willingness to relinquish his appointment at a higher rank and the conditions that go with it; his pay was based on his new rank and he was not entitled to vested rights to pay. The CDS agreed with the Board's finding that the grievor's situation would not support a recommendation to Treasury Board of Canada Secretariat (TBS) and the Governor in Council for a Debt Remission Order for reason that the debt did not fall within the parameters of "unreasonable," "unjust," or "in the public interest" and did not meet the "very exceptional circumstances" criteria.

The CDS partially granted the grievance. The CDS was satisfied that the recovery of the overpayments made to the grievor was reasonable and lawful. Given the six-year limitation period for recovery action provided under section 32 of the *Crown Liability and Proceedings Act*, the CDS concluded that any overpayments made to the grievor more than six years from the date of the initial recovery action by the CF had to be excluded from the total owed.

The CDS was of the view that the CF was prohibited to recover these overpayments. Accordingly, the CDS has undertaken to forward the grievor's file to the Assistant Deputy Minister (Finance and Corporate Services) to obtain the requisite TBS approval for a write-off of these overpayments.

Note: This was the first case where the six-year limitation period was raised in a grievance decision. The Board has since successfully recommended the application of this rule in a number of overpayment-related grievances, where the overpayments had been made more than six years prior to the CF recovery action.

BIOGRAPHIES



Chairperson
Diane Laurin

Term ended: February 25, 2008

Ms. Laurin was appointed Chairperson and Chief Executive Officer of the Canadian Forces Grievance Board on March 1, 2004, after being in the position in an acting capacity since June 2003.

Ms. Laurin, co-founder of the Board, was appointed Vice-Chairperson in 1999, to establish the first administrative tribunal mandated to review military grievances referred by the Chief of the Defence Staff. In this role, she gave the Board the ability to issue Findings and Recommendations, raising confidence among the military in an independent grievance solution process for the Canadian Forces and the Department of National Defence.

Ms. Laurin headed up the development of the Board's operational infrastructure and played a key role in establishing an impartial and fair grievance resolution process for members of the Canadian Forces. One of her major challenges was to establish the credibility of this new institution among members of the Canadian Forces as well as parliamentarians.

As Chairperson, Ms. Laurin dealt with sensitive and complex issues. Her role required the maintenance of strategic relationships at the departmental level with senior officials, senior military management, and the principals of federal administrative tribunals.

In June 2005, the Chief of the Defence Staff, General Rick Hillier, awarded Ms. Laurin the Canadian Forces Medallion for Distinguished Service. Representing the highest honour bestowed on a civilian by the Canadian Forces, this medallion is awarded for rendering service of a rare and exceptionally high standard recognized to have greatly benefited the Canadian Forces as a whole.

Prior to her work as head of the Board, Ms. Laurin spent eleven years working for the Montreal Urban Community (MUC) as Advisor to the President, then as a senior manager with the Montreal Urban Community Police Service (MUCPS).

From 1995 to 1998, Ms. Laurin was Assistant Director and Chief of Staff to the Director of the Police Service. She was a contributor on key files involving public security, criminal activity, as well as interracial and intercultural relations.

Ms. Laurin also contributed to projects dealing with labour relations, collective agreement negotiations, and professional conduct. She was involved in the project: "Towards Neighbouring Policing," which required a complete restructuring of the MUCPC and led the organization to perform an in-depth review of its mission and its work methods.

From 1987 to 1995, Ms. Laurin was communications and strategic planning advisor to the Chairperson of the Montreal Urban Community. Her work included planning communications strategies in support of implementing metropolitan policies in matters of public safety, public transit, and economic development. She also took part in presenting several studies to the police community dealing with such issues as crime prevention and law reform.

Ms. Laurin obtained a Bachelor of Law degree from the University of Montreal (1982) and was admitted to the Québec Bar in 1983. She is also an accredited mediator from the Québec Bar. She is a member of the Canadian Bar Association, the Council of Canadian Administrative Tribunals, the Group of Heads of Federal Agencies, and the Heads of Federal Administrative Tribunals Forum. She was also on the board of directors for the Professional Development Centre for Members of Canadian Administrative Tribunals. Ms. Laurin spent a few years practising civil law and immigration law in Montreal.

Ms. Laurin began her career as a nurse at the emergency ward of St-Luc Hospital in Montreal.



**Acting Chairperson and Vice-Chairperson
James Price**

Term ending: December 8, 2008

James Price was appointed Acting Chairperson of the Canadian Forces Grievance Board effective March 1st 2008. He continues his duties as full-time Vice-Chair, a position he has held since December 2004.

Mr. Price previously served as team leader in the Board's Operations Directorate. He brings to the position extensive experience in all areas of military law, including the military justice system, international law and operational law.

Originally from Twillingate, Newfoundland, Mr. Price joined the University Naval Training Division in 1966 while attending Memorial University. After seven years of active service, he attended Dalhousie University, graduating with a Masters of Public Administration in 1976 and a bachelor of laws in 1980, the same year he was called to the Bar of Newfoundland.

He engaged in private legal practice before joining the Canadian Forces in 1981, as a legal officer in the Office of the Judge Advocate General (JAG).

During his time with JAG, Mr. Price served as director of prosecutions and appeals, where, in addition to coordinating prosecutions and appeals in the CF, he guided the section through its transition to an independent prosecution service. He subsequently served as the deputy director of the new Independent Military Prosecution Service.

After serving as Assistant Judge Advocate General (Europe), Mr. Price was appointed a military judge by the Governor in Council in 2001, a position he held until 2003. During this time, he presided over cases involving both service offences and offences under the *Criminal Code of Canada*.



Part-Time Vice-Chairperson
Denis Brazeau
Term ending: February 8, 2010

Colonel (retired) Denis Brazeau was appointed as part-time Member of the Canadian Forces Grievance Board on June 26, 2006 and subsequently as part-time Vice-Chairperson on February 9, 2007.

Mr. Brazeau was enrolled in the Regular Officer Training Plan in 1975, graduating from the Royal Military College in Kingston in 1980 with a Bachelor's degree in history. First commissioned as an infantry officer, he was then posted to the 1st Battalion, Royal 22^e Régiment in Lahr, Germany, where he served as a platoon commander and assistant-adjutant until his promotion to Captain in May 1983.

Promoted to the rank of Major in May 1988, he commanded in succession A Company and the Administration Company of the 2nd Battalion. Promoted to the rank of Lieutenant-Colonel in 1994, he served as the G3 Planning and Resources in the Land Force Command Headquarters in St-Hubert. In February 1996, he took command of the Royal 22^e Régiment Battle School until his nomination as Chief of Staff and then Deputy-Commander of the 5^e Groupe de soutien du Secteur du Québec de la Force Terrestre in 1998.

Mr. Brazeau completed a Master's degree in War Studies from the Royal Military College of Canada, in 1999. In 2002, Mr. Brazeau served as Chief of staff of the *Secteur du Québec de la Force terrestre*. He was appointed as an Officer of the Order of Military Merit by the Governor General in 2004. In 2005, he completed the Advanced Military Science Course and the National Security Studies Course at the Canadian Forces College in Toronto. That same year, Mr. Brazeau retired from the Canadian Forces 2005 after thirty years of service.



Part-Time Member
Gary N. Wiseman
Term ending: June 4, 2008

Gary Wiseman was appointed as a part-time Member of the Canadian Forces Grievance Board on June 2nd, 2005. Mr. Wiseman is a professional engineer with advanced degrees in Civil, Mechanical, and Naval Architecture. His experience includes 25 years in the Canadian Navy, four years in the Federal Public Service and 15 years in private practice that included a wide range of technical and managerial responsibilities. Mr. Wiseman has served both in Canada and abroad and brings to the Board a spectrum of life experiences and a firm dedication to the military as an important element of the Canadian mosaic.



Part-Time Member

Michael Auger

Term ending: September 14, 2009

Lieutenant-Colonel (retired) Mike Auger was appointed as a Part-Time Member of the Canadian Forces Grievance Board on September 15, 2006. Enroled in the CF in 1970, Mr. Auger graduated from Queen's University in 1973. Commissioned as an artillery officer, he was then posted to the Second Regiment Royal Canadian Horse Artillery (2RCHA) in Petawawa. Following postings to Germany, Gagetown, NB and Oklahoma, USA, he returned to 2RCHA as Adjutant in 1983.

Promoted to Major in 1985, he became Battery Commander of 'D' Battery 2RCHA. In 1988, he served with the 1st Canadian Division Headquarters in Kingston and in 1990, returned to the 2RCHA as Deputy Commanding Officer. In 1991, he was promoted to Lieutenant-Colonel and became head of the Military Occupation Structure Review until 1998 when he became EA to the Assistant Deputy Minister of Human Resources – Military. Thereafter, he was section head responsible for military education and training policy in Ottawa until his retirement from the Canadian Forces in May 2005.

Mr. Auger is a sometime mentor to junior officers attending the CF Land Staff College and provides exercise simulation during exercises including pre-deployment training for the Afghanistan mission.



Part-Time Member

Fred Blair

Term ending: September 14, 2009

Captain (Navy) (retired) Fred Blair was appointed as a part-time Member of the Canadian Forces Grievance Board on September 20, 2006. Mr. Blair is a native of Ottawa. He holds degrees in engineering (Queen's University, 1963) and law (University of Ottawa, 1968).

Mr. Blair was called to the bar of Ontario in 1970. After practicing law in Ottawa, he enrolled in the office of the Judge Advocate General of the Canadian Forces in 1972, and served in positions of increasing rank and responsibility until 1999. His service included tours of duty as Senior Legal Adviser for the CF in Europe, and as legal adviser to the Commander of the NATO Stabilization Force in Bosnia.

A resident of Wooler, Ontario, Mr. Blair is active in the community as a member of the Board of Directors of the CFB Trenton Military Family Resource Center, and as a member of the Protective Services Committee for the City of Quinte West, Ontario.

FINANCIAL TABLE

Planned Spending 2007-08 (In dollars)	
Salaries, wages and other personnel costs	3,603,016
Contribution to employee benefit plans	666,557
Subtotal	4,269,573
Other operating expenditures	1,972,023
Total planned expenditures	6,241,59
January 31, 2008. Actual expenditures will change from the planned spending	

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Board Staff

The Board's employees' diverse backgrounds, varied experience and extensive knowledge are an asset to the CFGB. All are committed and proud to contribute to better working conditions for the men and women of the Canadian Forces.

